

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

MELANIE RASMUSSEN,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting  
Commissioner of Social Security,

Defendant.

Case No. 3:14-cv-05007-RJB-KLS

ORDER DENYING PLAINTIFF'S  
MOTION FOR RECONSIDERATION  
AND DIRECTING PLAINTIFF TO FILE  
OPENING BRIEF

This matter comes before the Court on plaintiff's filing of her response (*see* Dkt. 19) to the Court's order denying her motion to request appointment of counsel (*see* Dkt. 18). In that order, the Court found that while plaintiff asserts she could not proceed in prosecuting her case without the appointment of legal counsel, because she is unable to write her own opening brief, the two motions she had filed in this case revealed an adequate ability to articulate her claims on her own behalf. Further, the Court found plaintiff had failed to demonstrate either a likelihood of success on the merits or shown that the issues this case presents are too complex, such that she will not be able to articulate her claims *pro se*.

Plaintiff was directed to inform the Court as to whether she again wanted to withdraw her complaint by filing a new motion to that effect given that her request for appointment of counsel had been denied, or whether she instead wished to continue prosecuting her case, in which event the Court shall set a new briefing schedule. Rather than choosing one of these courses of action, however, plaintiff responded to the Court's order by stating that she both wanted to proceed with

1 this case and file a new request for appointment of legal counsel, essentially arguing she met all  
2 of the requirements for being appointed counsel at government expense outlined above.

3 Although not specifically characterized as such, plaintiff's response shall be treated as a  
4 motion for reconsideration. Motions for reconsideration "are disfavored," and such motions will  
5 ordinarily be denied "in the absence of a showing of manifest error in the prior ruling or a  
6 showing of new facts or legal authority which could not have been brought to its attention earlier  
7 with reasonable diligence." Local Rule CR 7(h)(1). Neither showing has been made here. As  
8 such, plaintiff's motion for reconsideration (*see* Dkt. 19) hereby is DENIED.  
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10 Given that plaintiff has indicated she wants to proceed with her case, she shall have until  
11 **no later than April 2, 2015**, to file her Opening Brief in this matter. Defendant's Responsive  
12 Brief shall be due **no later than April 30, 2015**. Plaintiff's Reply Brief, if any, shall be due **no**  
13 **later than May 13, 2015. Plaintiff should be aware that failure to file her Opening Brief by**  
14 **the above date shall be deemed a failure to prosecute, resulting in a recommendation that**  
15 **this matter be dismissed on that basis.**  
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17 DATED this 5th day of March, 2015.

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21 Karen L. Strombom  
22 United States Magistrate Judge  
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